

Applicant : Richard W. Harger
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REMARKS:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated January 27, 2006.

Amendment

Claims 1-55 are pending in the application. Claim 14 has been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added. Claim 14 has been amended to clarify that the claimed mounted member is adapted to be received by at least one of the first and second mounting posts of the first and second support stands.

Election Restriction

In the Office Action, the Examiner alleges that the present application includes claims directed at five patentably distinct inventions and restriction to election of a single invention is requested. The Office Action takes the position that claims 1-13 and 49-55 of Group I and claims 14-21 of Group II are drawn to portable event rack stand assemblies in different subclasses. The Office Action also takes the position that claims 22-32 of Group III are drawn to an expandable event rack system, claims 33-42 of Group IV are drawn to a bicycle parking and information display support stand, and claims 43-48 of Group V are drawn to an expandable event rack.

In Response, Applicant elects Group I for prosecution in the present application, which, as set forth at page 2 of the Office Action, comprise claims 1-13 and 49-55. In addition, the Restriction Requirement set forth by the Examiner with respect to claims 14-21 of Group II is respectfully traversed.

Claims 1, 14, and 49 are written in independent form and are reproduced below as follows:

Claim 1: A portable event rack stand assembly comprising:
a first support stand having a first frame and a first attachment member attached to said first frame;
a second support stand having a second frame and a second attachment member attached to said second frame; and
a connecting member having first and second connecting member ends;
wherein said connecting member is removably received by said first and second attachment members.

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Claim 14: A portable event rack stand assembly comprising:
a first support stand having a first frame and a first attachment member attached to said first frame, said first frame including a first mounting post;
a second support stand having a second frame and a second attachment member attached to said second frame, said second frame including a second mounting post; and
a mounted member;
wherein said mounted member is adapted to be received by at least one of said first and second mounting posts.

Claim 49: A portable event rack stand assembly comprising:
a first support stand having a first frame and a first attachment member attached to said first frame, said first frame including a first mounting post;
a second support stand having a second frame and a second attachment member attached to said second frame, said second frame including a second mounting post; and
a connecting member having first and second connecting member ends;
wherein said first and second attachment members are adapted to removably receive said ends of said connecting member, and wherein said mounting posts are each adapted to receive a mounted member.

Claims 1 and 49 are both included within Group I and are directed to portable event rack stands and include language regarding first and second support stands having first and second frames with first and second attachment members and a connecting member receivable by the first and second attachment members. Claim 49 includes further language, with respect to claim 1, regarding first and second mounting posts on the first and second support stands for receiving a mounted member.

Claim 14, in like manner to claims 1 and 49, is also directed to a portable event rack stand assembly and includes language regarding first and second support stands having first and second frames first and second attachment members. Further, as with claim 49, claim 14 also includes language regarding first and second mounting posts on the first and second support stands for receiving a mounted member. Claim 15, which depends from claim 1, notes that the first and second attachment members comprise first and second stand sleeves and claim 21,

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which in turn depends from claim 15, further notes the inclusion of a connecting member receivable by the first and second stand sleeves.

Applicant respectfully submits that Claims 1, 14, and 49 define the same essential characteristics of an embodiment of the present invention, although claim 1 is broader in scope, such that restriction should not be required. See MPEP §806.03.

In contrast to the position of the Office Action at paragraph 3 on page 2, claims 14-21 are not useable without a frame. Claims 14 and 49 are combinations that separately set forth the details of the subcombination of claim 1 along with the broad addition of first and second mounting posts for receiving a mounted member. Claims 14 and 49, therefore, are different definitions of the same disclosed subject matter, varying only in breadth or scope of definition, such that restriction should not be required.

Furthermore, claim 1 is an essential subcombination to the combinations claimed in claims 14 and 49 and there is no evidence that claims 14 and 49 are patentable without the details of claim 1. See MPEP §806.03. Therefore, pursuant to MPEP §806.05(c) 1, "[t]he inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility."

Finally, claim 21, which depends from claim 14 through claim 15, also includes language directed toward a connecting member receiveable by the first and second attachment members formed as first and second stand sleeves.

Applicant respectfully submits that claims 14-21 are not directed at a patentably unrelated invention relative to claims 1-13 and 49-55 and, therefore, should remain in the present application and be considered and allowed with the elected claims. Should the Examiner have any questions or need further information, the Examiner is respectfully requested to contact the undersigned counsel for Applicant at the address and number set forth below.

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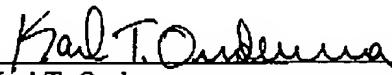
Accordingly, in view of the above election of claims 1-13 and 49-55 and the above remarks suggesting that claims 14-21 should remain and be considered in the present application, an action on the merits of claims 1-13, 14-21, and 49-55 with a Notice of Allowance, therefore, is respectfully requested.

Respectfully submitted,

RICHARD W. HARTGER

By: Van Dyke, Gardner, Linn & Burkhart, LLP

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Karl T. Ondersma
Registration No. 55 894
2851 Charlevoix Drive, S.E., Suite 207
P.O. Box 888695
Grand Rapids, Michigan 49588-8695
(616) 975-5500

KTO:wen
Enclosures